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Appropriations Policy Brief

H.R. 3093 — Commerce and Justice, Science, and Related Agencies Appropriations Act for FY 2008

BY THE NUMBERS:

In Millions of Dollars

	FY07	FY08 Bush Request	FY08 Committee	Cmte v. Request	Cmte v. FY07
Appropriations	51,950	51,387	53,551	2,164	1,601
<i>Emergency Approps</i>	0	0	0	0	0
TOTAL	51,950	51,387	53,551	2,164	1,601

Excluding Emergency Appropriations, the Committee Bill is:

- **\$2.2 billion or 4.2% more than the request**
- **\$1.6 billion or 3.1% more than last year**

Budget Compliance: According to CBO, the bill is within the 302(b) allocation of the CJS Subcommittee and thus complies with the Budget Act.

However, the bill relies on what some conservatives might view as a “paper” offset to stay within its 302(b) allocation. Specifically, Section 512 of H.R. 3093 limits the amount of payments from the Crime Victims Fund (CVF) at \$625 million for FY 2008, providing a savings of \$1.3 billion in budget authority for FY 2008. The CVF provides a dedicated funding stream for various victims assistance programs paid from criminal fines, forfeited bail bonds, and special assessments deposited in the Fund.

Current law requires that “sums deposited in the Fund *shall remain* in the Fund and be available for expenditure ...without fiscal year limitation...[and] all sums deposited in the Fund in any fiscal year that are not made available by Congress in the subsequent fiscal years *shall remain* in the Fund for obligation in future fiscal years” (emphasis added). This language means that if Congress limits the amount of payments from the CVF—as H.R. 3093 does—then the money will roll-over and be available in future fiscal years to be spent (or used again as an offset over and over) and the savings from the “offset” never realized.

Some conservatives may be concerned that actual spending by the federal government will not be reduced one penny by this limitation and that the maneuver amounts to a gimmick in order to comply with the budget resolution.

Earmarks:

The [Committee Report](#) includes a list of earmarks beginning on page 172.

Items of Note:

Economic Development Administration: \$303 million—\$22 million or 7.9 percent above last year's level and \$100 million or 49.3 percent above the President's request.

Bureau of the Census: \$1.3 billion—\$369 million or 41.3 percent above last year and \$32 million or 2.6 percent above the President's request.

U.S. Patent and Trademark Office: \$1.9 billion—same as the President's request and \$144.5 million or 8.2 percent above last year.

Industrial Technology Services: \$184 million—\$137 million or 74.8 percent above last year and the same as the President's request. Within this amount \$79 million is provided for the Advanced Technology Program and \$105 million is provided for the Manufacturing Extension Partnerships (MEP) Program. The FY 2007 RSC budget would have eliminated both the Advanced Technology Program and the MEP program.

U.S. Marshals Service: \$884 million—\$72 million or 8.8 percent above last year's level and \$16 million or 1.8 percent less than the President's request.

FBI: \$6.5 billion—\$509 million or 8.5 percent above last year and \$148 million or 2.3 percent above the request.

Drug Enforcement Administration: \$2.1 billion—\$125 million or 6.4 percent above last year and \$40 million or 2 percent above the President's request.

ATF: \$1 billion—\$30 million or 3 percent above last year and \$30 million or 3 percent above the President's request.

Community Oriented Policing Services: \$725 million—\$183 million or 33 percent above last year and \$693 million or 2,144% above the President's request.

NASA: \$17.6 billion—\$1.3 billion or 8.1 percent above last year and 1.7 percent above the President's request.

Legal Services Corporation: \$377 million—\$28 million or 8.1 percent above last year and \$66 million or 21.3 percent above the President's request. The Legal Services Corporation (LSC) was established by the Legal Services Corporation Act of 1974 to provide free legal assistance to the poor in civil, non-criminal matters. Its origins lie in President Lyndon Johnson's War on Poverty, specifically with the Office of Economic Opportunity (OEO), which in 1965 began making direct grants to local legal aid organizations. Instead of focusing on this core mission, the LSC has assisted lawyers and groups engaged in lobbying, advocacy of political causes, and litigation against the federal government. The program has not been authorized since 1980. Services currently provided by the LSC are duplicated by state and local governments, bar associations, and private organizations. The FY 2007 RSC budget proposed to eliminate funding for this program.

State Justice Institute (SJI): \$5 million—\$5 million above the President’s request and a \$1 million or 34.3 percent increase compared to last year. The SJI is a non-profit corporation that was established in 1984 to provide grant awards to assist state courts in the area of criminal justice. Categories of grant assistance include judicial education, technical assistance, project grants for children and families in court, as well as improving the state-federal court relationship, and a scholarship program for state judges. State courts clearly play an important role in the nation’s legal system. However, the funding and assistance is a state responsibility, one that is also duplicated by other institutions. There is no evidence it has actually improved the administration of justice. The FY 2007 RSC budget proposed to eliminates funding for SJI.

Funding Summaries:

In thousands

	FY 2007 Enacted	FY 2008 Request	FY 2008 Cmte	Cmte Vs. FY 2007	Cmte Vs. Request	Cmte Vs. FY 2007	Cmte Vs. Request
Department of Justice							
General Administration.....	310,589	286,630	286,630	-23,950	0	-7.8%	0.0%
Parole Commission.....	11,509	12,194	12,194	685	0	6.0%	0.0%
Legal Activities.....	3,393,118	3,664,903	3,608,346	215,228	-56,557	6.3%	-1.5%
FBI.....	6,298,573	6,431,302	6,531,302	232,729	100,000	3.7%	1.6%
DEA.....	1,761,055	1,802,569	1,842,569	81,514	40,000	4.6%	2.2%
ATF.....	984,097	1,013,980	1,013,980	29,883	0	3.0%	0.0%
Federal Prison System.....	5,448,180	5,363,920	5,268,920	-179,260	-95,000	-3.3%	-1.8%
Office of Justice Programs.....	2,528,538	1,104,677	2,765,000	236,462	1,660,323	9.4%	150.3%
Justice Assistance.....	238,340	167,269	250,000	11,660	82,731	4.9%	49.5%
State & Local Law Enforcement.....	1,236,804	550,000	1,315,000	78,196	765,000	6.3%	139.1%
VAWA Grants.....	382,571	370,005	430,000	47,429	59,995	12.4%	16.2%
COPS Program.....	554,838	32,308	725,000	183,162	692,692	33.0%	2144.0%
Commerce Department							
International Trade Administration.....	395,604	412,431	422,431	26,827	10,000	6.8%	2.4%
Bureau of Industry and Security	75,394	78,776	78,776	3,382	0	4.5%	0.0%
Economic Development Admin.....	250,741	170,000	270,000	19,259	100,000	7.7%	58.8%
Minority Business Development Agency.....	29,725	28,701	31,225	1,500	2,524	5.0%	8.8%
Economic & Statistical Analysis.....	79,751	85,000	86,500	6,749	1,500	8.5%	1.8%
Bureau of Census.....	893,012	1,230,244	1,232,244	339,232	2,000	38.0%	0.2%
Telecommunications & Information Admin.....	39,790	18,581	40,309	519	21,728	1.3%	116.9%
Patent and Trademark Office.....	1,771,000	1,915,000	1,915,000	144,500	0	8.2%	0.0%
Natl. Institute of Standards and Technology.....	676,876	640,714	831,201	154,325	190,487	22.8%	29.7%
Natl. Oceanic & Atmospheric Administration.....	4,078,288	3,809,584	3,950,479	-127,809	140,895	-3.1%	3.7%
Tourism Promotion.....	3,949	0	0	-3,949	0	-100.0%	0.0%
Departmental Management.....	73,662	87,419	86,483	12,821	-936	17.4%	-1.1%
Science							
Office of Science and Technology Policy.....	5,528	5,515	5,515	-13	0	-0.2%	0.0%
NASA.....	16,284,300	17,309,400	17,622,500	1,338,200	313,100	8.1%	1.7%
Inspector General.....	32,224	34,600	34,600	2,376	0	7.4%	0.0%
National Science Foundation.....	4,665,950	5,131,690	5,139,690	473,740	8,000	10.2%	0.2%
Related Agencies							
Antitrust Modernization Commission	462	0	0	-462	0	-100.0%	-----

Civil Rights Commission.....	8,972	8,800	9,000	28	200	0.3%	2.3%
Equal Employment Opportunity Commission.....	328,746	327,748	332,748	4,002	5,000	1.2%	1.5%
International Trade Commission...	61,950	68,400	68,400	6,450	0	10.4%	0.0%
Legal Services Corporation.....	348,578	310,860	377,000	28,422	66,140	8.1%	21.3%
Marine Mammal Commission.....	2,896	2,299	3,000	104	701	35.9%	30.5%
National Veterans Business Development Corp.....	1,481	0	2,500	1,019	2,500	68.9%	-----
Office of the U.S. Trade Representative.....	44,207	44,407	48,407	4,200	4,000	9.5%	9.0%
State Justice Institute.....	3,455	0	4,640	1,185	4,640	34.3%	-----